IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

CRL.A.No. 487 of 2002(K)

ST.170/2000 of CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA

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APPELLANT: APPELLANT/COMPLAINANT:

K.J. JOHN, AGED 61 YEARS,
KUNEL VEEDU, PATHIRAPPALLY P.O.,
ALAPPUZHA.

BY ADV. SRI.M.V.IBRAHIMKUTTY
SRI.K.RAVU

RESPONDENTS: RESPONDENTS:

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1. KERALA STATE REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. BIJU. M., AGED ABOUT 26 YEARS (ACCUSED)
KALAMBUKATTU VELI, AVALOOKKUNNU P.O.,
(SOUTH OF AYYANKALI JUNCTION),
SOUTH ARYAD, ALAPPUZHA.

BY PUBLIC PROSECUTOR SRI.C.K. SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No. 487/2002

Dated this 20th day of September, 2007

JUDGMENT

The appellant is the complainant in S.T.No.170/2000 in the file of the Chief Judicial Magistrate, Alappuzha, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable reasons.

2. In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the Court below on 17.10.2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU
JUDGE

mrcs